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2001 MAY -4 P 3: 35

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

AZ CORP COMMISSION  
Arizona Corporation Commission  
DOCKETED

MAY 04 2001

DOCKETED BY	JL
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IN THE MATTER OF THE )  
APPLICATIONS OF H2O, INC. AND )  
JOHNSON UTILITIES COMPANY FOR )  
AN EXTENSION OF THEIR )  
CERTIFICATES OF CONVENIENCE AND )  
NECESSITY. )

DOCKET NOS. W-02234A-00-0371  
WS-02987A-99-0583

IN THE MATTER OF THE APPLICATION )  
OF JOHNSON UTILITIES, L.L.C., DBA )  
JOHNSON UTILITIES COMPANY, FOR )  
AN EXTENSION OF ITS CERTIFICATE )  
OF CONVENIENCE AND NECESSITY TO )  
PROVIDE WATER AND WASTEWATER )  
SERVICE TO THE PUBLIC IN THE )  
DESCRIBED AREA IN PINAL COUNTY, )  
ARIZONA. )

DOCKET NO. WS-02987A-00-0618

IN THE MATTER OF THE APPLICATION )  
OF DIVERSIFIED WATER UTILITIES, )  
INC. TO EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. W-02859A-00-0774

IN THE MATTER OF THE APPLICATION )  
OF QUEEN CREEK WATER COMPANY )  
TO EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. W-01395A-00-0784

**DIVERSIFIED WATER UTILITIES, INC.'S OPPOSITION TO  
JOHNSON UTILITIES' NOTICE OF LATE-FILED EXHIBITS  
AND MOTION TO STRIKE**

Diversified Water Utilities, Inc., by and through its attorney undersigned, hereby  
files its Opposition to the Late-Filed Exhibits filed on behalf of Johnson Utilities April 27, 2001;  
moves to strike all such Exhibits and provides a substitute parcel list identifying which parcels are  
requested by which parties.

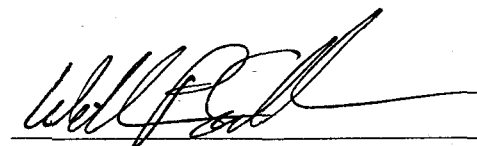
1 Johnson Utilities on April 27, 2001, without leave, filed numerous documents in  
2 support of their applications for expansion of their certificated area. Such filing, after close of the  
3 hearing, is improper and prejudicial. There has been no opportunity for cross-examination and no  
4 authentication of the documentation. The documents should be summarily stricken.

5 Further, the parcel list submitted by Johnson Utilities is incomplete and is not very  
6 helpful in that it does not identify which parties are requesting which parcels. Further, the Notice  
7 is misleading to the extent that it identifies two allegedly "new" Parcels (25 and 26) and states  
8 that they are not addressed in the Staff Report. This is false. While the parcels were not  
9 separately identified, Staff did recommend these areas be certificated to Diversified Water  
10 Utilities, Inc. together with the remainder of Bella Vista Farms (Parcel 2) and Parcel 24.  
11 Diversified Water Utilities, Inc. has therefore provided a substitute and complete parcel list  
12 identifying the requesting party.

13 WHEREFORE it is respectfully requested that the Notice of Late-Filed Exhibits  
14 and the attachments thereto filed by Johnson Utilities be stricken from the record as inappropriate  
15 and that the substitute parcel list attached hereto be accepted as in compliance with the request of  
16 the Administrative Law Judge for such a listing.

17 Respectfully submitted this 4th day of May, 2001.

18  
19 MARTINEZ & CURTIS, P.C.

20  
21 

22 William P. Sullivan, Esq.  
23 2712 North Seventh Street  
24 Phoenix, Arizona 85006-1090  
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PROOF OF SERVICE AND  
CERTIFICATE OF MAILING

I hereby certify that on this 4th day of May, 2001, I caused the foregoing document to be served on the Arizona Corporation Commission by hand-delivering the original and ten (10) copies of said document to:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

With a copy of the foregoing hand-delivered this 4th day of May, 2001 together with:  
A disk in Word for Windows (2000) format containing the Parcel List for the Hearing Division's convenience to:

Marc Stern, Administrative Law Judge  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

With copies of the foregoing mailed/hand-delivered this 4th day of May, 2001 to:

Teena Wolfe, Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Deborah R. Scott  
Utilities Division Director  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

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Intervenor

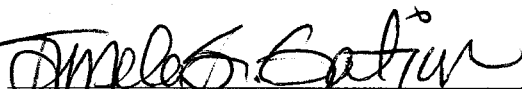
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1 Kathy Aleman, Manager  
2 Wolfcor, LLC & Wolfkin Farms  
3 Southwest Properties, Inc.  
4 3850 East Baseline Road, Suite 123  
5 Mesa, Arizona 85206  
6 Intervenor

7 Dick Maes, Project Manager  
8 Vistoso Partners, LLC  
9 1121 West Warner Road Suite 109  
10 Tempe, Arizona 85284  
11 Intervenor

12 

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## PARCEL LIST

**PARCEL 1** (Arizona Farms) (2,240 Acres) (Johnson Utilities requests water and sewer.)

All of Section 1, Township 4 South, Range 8 East of the Gila and Salt River Meridian ("G. & S. R. M."), Pinal County, Arizona,

And

All of Sections 4 and 6, and

The North half of Section 7, all in Township 4 South, Range 9 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 2** (Bella Vista Farms) (2,560 + Acres) (Diversified Water requests water; Johnson Utilities requests water and sewer.)

All of Sections 13, 15 and 23, and

The West half of Section 14, and

That portion of Section 16 lying North and East of the Southern Pacific Railroad right-of-way,

All in Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**Diversified Water also requests** the following areas, contiguous to Parcel 2 be added to its certificated area:

A. (approx. 320 Acres)

East half of Section 14, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

B. (approx. 320 Acres)

That portion of Section 16 lying South and West of the Southern Pacific Railroad right-of-way, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 3** (Jorde Farms aka Bonanza Land Co.) (118 + Acres) (Johnson Utilities requests water and sewer.)

Property located in Section 2, Township 3 South, Range 7 East, G. & S. R. M., Pinal County, Arizona, as follows:

The West 2066.42 feet of the North 2669.96 feet of Section 2, except any portion lying south of the center line of Hunt Highway in-Township 3 South, Range 7 East, G. & S. R. M. Pinal County, Arizona.

**PARCEL 4** (Whitehead) (160 Acres) (Johnson Utilities requests water and sewer.)

The East half of the West half of Section 31, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 5** (Skyline) (620 Acres) (Johnson Utilities requests water and sewer.)

A parcel of land being a portion of and a portion of East being more particularly described as follows:

All of said Section 12, Township 3 South, Range 7 East, G. & S. R. M., Pinal County, Arizona, lying North and East of the Hunt Highway right-of-way, except the north 1320 feet of the West 1320 feet thereof, And

The West half of Section 7, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona, except the Hunt Highway right-of-way.

**PARCEL 6** (Morning Sun Farms aka Cravath) (480 Acres) (Johnson Utilities requests water and sewer.)

All of Section 1, Township 3 South, Range 7 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 7** (Shelton) (160 Acres) (Johnson Utilities requests water and sewer.)

The West half of the West half of Section 8, Township 3 South, Range 9 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 8** (Various Owners, including Bowen) (640 Acres) (Johnson Utilities requests water and sewer.)

All of Section 28, Township 3 South, Range 9 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 9** (Farley Farms aka Walker Butte Granite, L.L.C. and others) (1,600 Acres) (Johnson Utilities requests water and sewer.)

Property located in Sections 22, 23, 25, 27, and 34, Township 4 South, Range 8 East, G. & S. R. M., Pinal County, Arizona, as follows:

The East half of Section 22,

The West half of Section 23,

The West half of the Northeast quarter of Section 23,

The Southeast quarter of Section 25,

The East half of Section 27,

And

The East half of Section 34,

All in Township 4 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 10** (State of Arizona) (2,200 acres) (Johnson Utilities requested water and sewer, but has withdrawn the request.)

**PARCEL 11** (Circle Cross Ranch aka El Dorado Holdings) (795 Acres) (H2O requests water; Johnson Utilities requests sewer.)

That portion of the West half of Section 31, lying South and West of the Southern Pacific Railroad right-of-way, and that portion of the Southeast quarter of Section 31 lying South and West of the Southern Pacific Railroad right-of-way, both in Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona,

And

That portion of Section 6 lying South and West of the Southern Pacific Railroad right-of-way, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 12** (Jorde/Morning Farms aka San Tan Shadows) (360 Acres) (Johnson Utilities requests water and sewer.)

Property located in Section 2 and 12, Township 3 South, Range 7 East, G. & S. R. M., Pinal County, Arizona, as follows:

All of Section 2 lying North and East of Hunt Highway, except a portion of said Section 2 lying West of the following DESC line beginning at a point which lies 2,066.42 feet from the Northwest Corner of said Section 2, thence 2,669.96 feet to an intersection with the centerline of Hunt Highway and point of terminus Section 2,

And

North 1320 feet of the West 1320 feet of Section 12 lying North of Hunt Highway,

All in Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 13** (Bureau of Land Management) (480 acres) (Johnson Utilities requested water and sewer, but has withdrawn the request.)

**PARCEL 14** (Johnson Farms) (160 Acres) (Johnson Utilities requests sewer; H2O requests water.) (NOTE, Section 32 is already certificated to H2O.)

All of Section 32, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona,

And

The Northwest quarter of Section 5, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 15** (Pecan Ranch/Ralph Thomas) (640 Acres) (Johnson Utilities requests sewer; H2O requests water.)

All of Section 29, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 16** (Home Place) (640 Acres) (Diversified Water requests water; H2O requests water; Johnson Utilities requests sewer.)

All of Section 28, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 17** (Ware Farms) (480 Acres) (Diversified Water requests water; H2O requests water; Johnson Utilities requests sewer.)

South half and Northwest quarter of Section 33, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 18** (various) (160 Acres) (Diversified Water requests water; H2O requests water; Johnson Utilities requests sewer.)

Northeast quarter of Section 33, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 19** (various) (320 Acres) (Johnson Utilities requests sewer.)

North half of Section 34, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 20** (Pecan Ranch/Ralph Thomas) (240 Acres) (Johnson Utilities requests sewer.)

Property located in Section 20, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona, as follows:

The South half of the Southwest quarter,

The South half of the Southeast quarter,

The South half of the North half of the Southwest quarter, and

The South half of the North half of the Southeast quarter,

All in Section 20, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 21** (Dobson Farms) (1920 Acres) (Johnson Utilities requests water and sewer.)

All of Section 36, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona,  
And

All of Sections 30 and 31, Township 3 South, Range 9 East, G. & S. R. M., Pinal County, Arizona.



**PARCEL 22** (El Dorado Holdings) (485 Acres) (H2O requests water; Johnson Utilities requests sewer.)

That portion of the East half of Section 31 lying North and East of the Southern Pacific Railroad right-of-way, and that portion of the Northwest quarter of Section 31 lying North and East of the Southern Pacific Railroad right-of-way, both in Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona,

And

That portion of Section 6 lying North and East of the Southern Pacific Railroad right-of-way, Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

**PARCEL 23** (Lee Smith) (317 Acres) (Johnson Utilities requests water and sewer.)

The South half of Section 20. Township 3 South, Range 9 East, G. & S. R. M., Pinal County, Arizona, except for the South 150 feet of the East 814 feet.

**PARCEL 24** (640 Acres) (Diversified Water requests water.)

All of Section 18, Township 3 South, Range 9 East, G. & S. R. M., Pinal County, Arizona.

**Country Thunder** (H2O requests deletion; Queen Creek requests inclusion)

Approximately Western one-third of Section 30, Range 8 East, Township 2 South, G. & S. R. M., Pinal County, Arizona.

**Queen Creek also requests:**

Uncertificated portion of Section 14, Range 7 East, Township 2 South, G. & S. R. M., Maricopa County, Arizona.

**H2O also requests:**

Section 13, Range 7 East, Township 2 South, G. & S. R. M., Maricopa County, Arizona.